

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-cr-254

v.

HON. JANET T. NEFF

MIGUEL MELLIN-CASTILLO,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Miguel Mellin-Castillo has filed a motion for modification or reduction of sentence (Dkt 258) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 265) and Defendant has filed a Response (Dkt 266) objecting to the findings of the Report. The Government has filed a Response to the Sentence Modification Report (Dkt 270).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 265), Defendant's response (Dkt 266) and Government's response (Dkt 270), the Court has determined that the defendant is

ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission. Defendant does not qualify for a reduction because his original sentence was below the amended guidelines range.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 258) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: November 2, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge